

**ASSEMBLY BILL**

**No. 1894**

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**Introduced by Assembly Member Wieckowski**

February 19, 2014

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An act to add Section 653.3 to the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1894, as introduced, Wieckowski. Falsely filed liens or encumbrances.

Existing law governs the procedure for levying an execution lien upon real or personal property and requires the judgment creditor to give the levying officer written instructions containing the information needed or requested by the levying officer to serve the writ, order, notice, or other paper on a person. Under existing law, a person who files any allegation of misconduct against any peace officer, knowing the allegation to be false, is guilty of a misdemeanor.

This bill would make it a misdemeanor for any person to file, attempt to file, or conspire to file, in any public record, or any private record that is generally available to the public, any false lien or encumbrance against the real or personal property of a peace officer, as defined, on account of the performance of that peace officer's official duties, if the person filing, attempting to file, or conspiring to file the public or private record knows, or has reason to know, that the lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 653.3 is added to the Penal Code, to read:
- 2 653.3. Whoever files, attempts to file, or conspires to file, in
- 3 any public record, or in any private record that is generally
- 4 available to the public, any false lien or encumbrance against the
- 5 real or personal property of an individual described in Chapter 4.5
- 6 (commencing with Section 830) of Title 3 of Part 2, on account
- 7 of the performance of the official duties of that person pursuant
- 8 to that chapter, if the person filing, attempting to file, or conspiring
- 9 to file the public or private record knows, or has reason to know,
- 10 that the lien or encumbrance is false or contains any materially
- 11 false, fictitious, or fraudulent statement or representation, is guilty
- 12 of a misdemeanor.
- 13 SEC. 2. No reimbursement is required by this act pursuant to
- 14 Section 6 of Article XIII B of the California Constitution because
- 15 the only costs that may be incurred by a local agency or school
- 16 district will be incurred because this act creates a new crime or
- 17 infraction, eliminates a crime or infraction, or changes the penalty
- 18 for a crime or infraction, within the meaning of Section 17556 of
- 19 the Government Code, or changes the definition of a crime within
- 20 the meaning of Section 6 of Article XIII B of the California
- 21 Constitution.